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CIVIL AND POLITICAL RIGHTS

Written statement submitted by the Federation of Associations for the Defence and Promotion of Human Rights, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[3 January 2000]

GE.00-10763 (E)

Murder of Íñigo Eguiluz, Spanish voluntary worker, and Jorge Luis Mazo, a Colombian priest, in Chocó, Colombia

1. At 9.30 p.m. on 18 November 1999, a boat belonging to the Spanish non-governmental organization Paz y Tercer Mundo - Hirugarren Mundua Ta Bakea was sailing along the river Atrato towards the city of Quibdó, the capital of the Colombian department of Chocó. The boat was carrying the representative of the above-mentioned Spanish NGO and four members of the Quibdó diocese, who were returning after spending a few days on a mission working with displaced communities or in communities under serious threat of displacement. Also in the boat were a fisherman, a woman and three children who had no connection with the mission but had asked to be taken to Quibdó.

2. Just as the boat was reaching the centre of the city and preparing to moor alongside the Quibdó diocese building, a fast motor boat or "panga" with two 200-horse-power engines suddenly arrived from behind the government building and violently rammed the NGO boat. As a result of this attack, Íñigo Eguiluz, aged 24 and representative of Paz y Tercer Mundo, and Jorge Luis Mazo, aged 32 and parish priest in Bellavista, were thrown into the water. The other eight people travelling in the boat were able to avoid drowning by clinging on to empty oil drums and thanks to the rapid rescue efforts of residents of the Kennedy district. The motor boat sped away downstream.

3. Íñigo and Jorge Luis were found dead in the river three days later.

4. The boat that was attacked was well known in the area, was 18 metres in length and carried the painted logos of the European Union and Paz y Tercer Mundo. Visibility was good at the time of the attack, thanks to the city lights.

5. According to reports from Quibdó diocese, the attacking motor boat was known in the area as a vessel used by the paramilitary group which has its headquarters just 300 metres from the police station in Vigía del Fuerte. On the day of the attack, the motor boat had carried illegally armed persons and sailed around the rear of the government building, from which it carried out the attack.

6. Immediately after the attack, members of the diocese telephoned the police to report what had happened. A police motor boat went out on the river and spent less than half an hour there. Except for this minimal presence, neither the police nor the army participated in the search for and recovery of the bodies. The search and rescue efforts continued that night until 3 a.m. and lasted a further three days. That same night members of the diocese told the police that the attacking motor boat had travelled downstream, probably to Vigía del Fuerte, and that before reaching its destination, it would have to pass two police stations situated on the river bank at Bellavista and Vigía del Fuerte. The motor boat, with six armed men, spent the night on the river and in the morning it was still able to stop members of the local population, including two Augustinian nuns from the parish of Bellavista who, on learning the news, were travelling upriver to take part in the rescue efforts and saw the motor boat, which had a damaged engine and other signs of the impact. The motor boat passed the two police stations completely unnoticed at about 11 a.m. on 19 November.

7. The members of the mission had been instructed to prepare a report on the humanitarian situation of the communities on the middle reaches of the Atrato after the flooding of the previous days. The report was prepared as part of the activities of the humanitarian assistance project ECHO/COL/210/1999/02012, financed by the Humanitarian Office of the European Community, for which the two victims were working, Iñigo as coordinator and Jorge Luis as logistics specialist. Under this project the communities under serious threat of displacement on the central Atrato were receiving protection and preparations were being made for the return of a number of community members who had been displaced by the paramilitaries.

8. Some weeks before, the same team had taken a group of journalists to the area in order to show them at first hand the situation of the communities under serious threat of displacement, and the pressure and restrictions to which they are being subjected by the paramilitary groups. A few days after the Colombian and Spanish media had published reports on the visit, Carlos Castaño, the supreme leader of these groups, had written a communiqué in which he called on the Church to "rectify this disturbing situation, since only in that way would it stop us from rectifying it" (31 October).

9. The illegal presence of the permanent paramilitary checkpoint in the village of Vigía del Fuerte had been reported on numerous occasions by the Quibdó diocese, by the grass-roots organizations in the area, by Paz y Tercer Mundo and by various observer and escort missions set up by national and international non-governmental and church organizations, and even members of embassies, such as the Spanish or Austrian embassies, and by members of international organizations such as the Colombia office of the High Commissioner for Human Rights. However, even though this checkpoint had been in place continuously for two and half years just 300 metres from the police station in Vigía del Fuerte, as already mentioned, the regional authorities always replied by saying they were unaware of its existence, which has been testified to by the independent missions that have travelled to the region.

10. Despite the fact that the checkpoint is openly manned by people who have murdered defenceless peasants and carried out controls on the river, subjecting the communities to a shortage of supplies, during these two and a half years the civil and military authorities have taken no measure to protect the civilian population from these actions. In fact, there is a wealth of testimony to the existence of links between the people manning the checkpoint and members of the nearby police station.

11. On the day after the attack, one of the people on board the rammed boat, a member of the Quibdó diocese, lodged a complaint with the Quibdó Public Prosecutor's Office. After the deaths of Iñigo and Jorge Luis had been confirmed, the case was transferred from that Office to the Human Rights Unit of the Attorney General's Office in Bogotá, where it is currently being dealt with. On 24 November, a wooden boat (not the boat which carried out the attack) with nine paramilitaries on board was stopped at the mouth of the river Neguá near the Las Mercedes community. Of these nine people, two were initially charged in connection with the attack on 18 November. Some of the detainees are presumed to be serving members of the armed forces.

12. Two days after this incident, the paramilitaries arrived at the above-mentioned community of Las Mercedes and there, in retaliation, they threatened to ransack the community

and kill anyone left in it. The threats were reported to the Colombia Office of the High Commissioner for Human Rights. The 500 inhabitants of Las Mercedes had to travel to Quibdó, where they joined the list of over 5,000 displaced persons with whom Iñigo and Jorge Luis had been working.

13. On 1 December, a navy vessel arrived in Vigia del Fuerte, and on the same day a gunfight broke out between the navy and a group of paramilitaries at the mouth of the river Murri. The navy captured the motor boat in which the paramilitaries were travelling, but the latter dived into the water and escaped. On 3 December, the navy captured Jimmy Matute Palma, a paramilitary who, according to witnesses, had been piloting the motor boat on the day of the attack. On 5 December, this man was imprisoned in Quibdó, the captured motor boat was placed at the disposal of the Public Prosecutor's Office and identified as the one used to carry out the attack.

14. Iñigo's family, the Quibdó diocese and the Paz y Tercer Mundo organization have given powers of attorney to the lawyer Mr. Jorge Eliecer Molano to represent them in private prosecution proceedings.

15. In these circumstances, the Federation of Associations for the Defence and Promotion of Human Rights - Spain, accepting and endorsing the complaint by Paz y Tercer Mundo - Hirugarren Mundua ta Bakea to the United Nations Commission on Human Rights,

Denounces the above-mentioned events, given that they should be considered not as an isolated or incidental criminal attack, but as a further episode in the long chain of murders, threats and displacements caused by a paramilitary displacement and looting project on the Atrato, which has been made possible during the past two and a half years by the negligence, not to say connivance or collaboration, of certain civilian and military authorities;

Expresses its concern at the lack of guarantees which would permit the development of a fair and impartial judicial procedure, leading to the prosecution of the material perpetrators and instigators of the attack, and the clarification of the political, criminal and administrative responsibilities which were incurred as a result of any negligence or collaboration on the part of public servants;

Calls on the Commission to request the Colombian Government urgently to adopt effective measures to ensure the safety of those participating in the proceedings and of the communities in the area who are defenceless in the face of the actions of the paramilitary groups;

Requests the Commission to urge the Colombian Government to dismantle the paramilitary checkpoint at Vigia del Fuerte and to effectively prosecute the paramilitary groups, investigating any links between them and public servants;

Urges the Commission to carefully monitor the development of the paramilitary phenomenon in Colombia and concern itself with its international sources of financing.